

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

United States of America

v.

Ernesto MIRELES-Rosas

Case No. 2:23-mj-26

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 28, 2022 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section
8 USC § 1326(a)(1)

Offense Description
Illegal re-entry by a removed alien

This criminal complaint is based on these facts:
see attached affidavit

☒ Continued on the attached sheet.

John Wissel
Complainant's signature

John Wissel Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: January 17, 2023

City and state: Columbus, OH

Kimberly A. Tolson
Kimberly A. Tolson
United States Magistrate Judge



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE CRIMINAL)
COMPLAINT OF:)
Ernesto MIRELES-Rosas) Case No.

AFFIDAVIT IN
SUPPORT OF CRIMINAL COMPLAINT

I, United States Immigration and Customs Enforcement (ICE) Deportation Officer John S. Wissel, being first duly sworn, depose and state as follows:

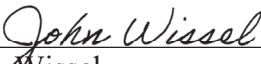
1. I am a Deportation Officer with more than fourteen (14) years of experience as a Deportation Officer with the United States Immigration and Customs Enforcement (ICE) and Border Patrol Agent with the U.S. Border Patrol. I am assigned to the Columbus, Ohio Office of Enforcement and Removals-Criminal Alien Program. I have investigated both criminal and administrative matters involving aliens in the United States. I have successfully completed the U.S. Border Patrol Agent Academy at the Federal Law Enforcement Training Center (FLETC) at Artesia, New Mexico.

My investigation has revealed the following facts:

2. On or about March 1, 2005, MIRELES-Rosas was arrested by Border Patrol in Douglas, AZ and given a Voluntary Return to Mexico the same day.
3. On or about March 4, 2005, MIRELES-Rosas was arrested by Border Patrol in Douglas, AZ and given a Voluntary Return to Mexico the same day.
4. On or about April 14, 2006, MIRELES-Rosas was arrested by Border Patrol in Tucson, AZ and given a Voluntary Return to Mexico the same day.
5. On April or about April 20, 2006, MIRELES-Rosas was arrested by Border Patrol in Douglas, AZ and given a Voluntary Return to Mexico the same day.
6. On or about May 2, 2007, MIRELES-Rosas was arrested by Border Patrol in Douglas, AZ and given a Voluntary Return to Mexico the same day.
7. On or about May 6, 2007, MIRELES-Rosas was arrested by Border Patrol in Douglas, AZ and given a Voluntary Return to Mexico the same day.
8. On or about May 11, 2007, MIRELES-Rosas was arrested by Border Patrol in Nogales, AZ and given a Voluntary Return to Mexico the same day.

9. On or about January 30, 2018, the Columbus Police Department arrested MIRELES-Rosas for Domestic Violence and Assault. On May 14, 2018, MIRELES-Rosas was convicted in the Franklin County Municipal Court for DOMESTIC VIOLENCE in violation of section 2919.25 of the Ohio Revised Code and the charge of Assault was dismissed. For this offense, MIRELES-Rosas received 180 days in jail, 2 years of community control and a fine of \$100. (Case No. 2018 CRB 001964)
10. On or about August 20, 2018, MIRELES-Rosas was arrested by ICE on an Immigration Detainer from the Franklin County Jail in Columbus, Ohio. ICE issued MIRELES-Rosas a Notice to Appear. On September 25, 2018, an Immigration Judge in Cleveland, Ohio issued MIRELES-Rosas a Voluntary Departure Under Safeguards on or before October 23, 2018. On October 2, 2018, ICE removed MIRELES-Rosas from the United States through the Laredo, Texas Port of Entry. On that day, MIRELES-Rosas surrendered his fingerprint, photo, and signature on form I-210 (Voluntary Departure) MIRELES-Rosas's departure was witnessed and signed by an Immigration Officer.
11. On or about October 29, 2018, the United States Border Patrol in Laredo, Texas arrested MIRELES-Rosas and issued an Expedited Removal. On October 30, 2018, MIRELES-Rosas was removed from the United States through the Laredo, Texas Port of Entry. On that day, MIRELES-Rosas surrendered his fingerprint, photo, and signature on form I-296 (Notice to Alien Ordered Removed/Departure Verification) MIRELES-Rosas's departure was witnessed and signed by an Immigration Officer.
12. On or about April 3, 2019, the United States Border Patrol in Laredo, Texas arrested MIRELES-Rosas. On April 5, 2019, in the United States District Court, Southern District of Texas, Laredo Division, MIRELES-Rosas was convicted of 8 USC 1325(a)(1). For this offense, MIRELES-Rosas was sentenced to 90 days confinement, (Case No. 5:19-po-02323). Subsequently, MIRELES-Rosas was issued a Notice of Intent/Decision to Reinstate Prior Order of Removal. On June 28, 2019, MIRELES-Rosas was removed from the United States through the Laredo, Texas Port of Entry. On that day, MIRELES-Rosas surrendered his fingerprint, photo, and signature on form I-205 (Warrant of Removal/Deportation) MIRELES-Rosas's departure was witnessed and signed by an Immigration Officer.
13. On or about November 20, 2022, MIRELES-Rosas was encountered by ICE officers in Franklin County, Ohio after being arrested on charges of Domestic Violence, Assault, and Falsification. It was determined after a verification of records that MIRELES-Rosas had previously been ordered removed from the United States and that he is subject to prosecution for illegal re-entry, having been found in the United States after being barred for a period of 20 years following his most recent removal in 2019.

14. Your Affiant uses the above facts to establish probable cause that MIRELES-Rosas is an alien, was found in the Southern District of Ohio, after having been removed from the United States on or about the above dates, at or near the above locations, and not having obtained the express consent of the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a)(1).



John S. Wissel
Deportation Officer
Immigration and Customs Enforcement

January 17, 2023

Sworn before me and subscribed in my presence on this ____ day of _____,
2020.



Kimberly A. Jolson
United States Magistrate Judge

